

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN**

**ETHLYN LOUISE HALL, ETHLYN HALL AS  
TRUSTEE OF THE ETHLYN LOUISE HALL  
FAMILY TRUST, AND ELSA EMILY HALL,** )  
 )  
 )  
 )  
**Plaintiffs,** )  
 )  
**v.** )  
 )  
**SAMUEL HALL, Jr. and HALL & GRIFFITH, PC,** )  
 )  
**Defendants.** )

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**Case No. 3:11-cv-0054**

**ORDER**

**THIS MATTER** comes before the Court on Defendant Samuel Hall, Jr.'s Motion for Preference and Ruling on Pending Motions, ECF No. 512, and his Renewed Motion for Preference and Ruling on Pending Motions. (ECF No. 515.) Defendant seeks the Court to grant this matter preference over other cases on the Court's docket pursuant to 5 V.I.C. § 31(b) based on his age and health status.

Generally, Title 5, Section 31(b) of the Virgin Islands Code allows a party to a civil action who is elderly or has a serious health condition to be granted preference over all other civil cases on a judge's docket. The statute further provides that if the motion for preference is granted, the court must set the matter for trial not more than 90 days (if terminally ill) or 180 days (if elderly) from when the movant filed the motion for preference and that any continuance of the trial shall not be granted "except for physical disability of a party or a party's attorney, or upon a showing of good cause stated in the record." *Id.* at section 31(b)(4) and (5). To the extent that this territorial statute has any applicability to the District Court, the Supreme Court of the Virgin Islands has, in a recent decision, declared the mandatory

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preference section of section 31(b) unconstitutional. *See Limetree Bay Terminals, LLC v. Liger*, 2024 VI 26, ¶ 38 (2024) (declaring “the mandatory preference, section 31(b)(1) statute unconstitutional and void as a matter of Virgin Islands law . . .”). Furthermore, this matter already proceeded to trial with a jury rendering a verdict. *See* ECF No. 416. Defendant does not seek that this matter be given preference over other cases on the trial calendar, rather, Defendant seeks a preference on rulings on the post-trial motions. Section 31(b) does not mandate such relief.

Accordingly, after careful consideration and review, it is hereby

**ORDERED** that Defendant Samuel Hall, Jr.’s Motion for Preference and Ruling on Pending Motions, ECF No. 512, and his Renewed Motion for Preference and Ruling on Pending Motions, ECF No. 515, are **DENIED**; it is further

**ORDERED** that a telephonic status conference in this matter **SHALL** commence promptly at 1:00 P.M. on October 10, 2024, before Chief Judge Robert A. Molloy. Call-in information will be provided to the parties by the Court. The public may access the audio of the proceeding by calling 1-888-251-2909 and entering access code 5157509#.

**Dated:** September 23, 2024

/s/ Robert A. Molloy  
**ROBERT A. MOLLOY**  
Chief Judge